

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

TRUSTEES OF THE INDIANA STATE)	
COUNCIL OF ROOFERS HEALTH AND)	
WELFARE FUND,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 4:07-CV-28
)	
OXFORD PAINTING CO.,)	
)	
Defendant.)	

MEMORANDUM, ORDER AND OPINION

This matter is before the Court on the Motion for Default Judgment [DE 6] filed by Plaintiff, Trustees of the Indiana State Council of Roofers Health and Welfare Fund, on September 17, 2007. Plaintiff moves this Court pursuant to Fed. R. Civ. Pro. 55(b)(2) to enter a default judgment in this matter against Defendant Oxford Painting Co.

Plaintiff served its Complaint and Summons on Defendant Oxford Painting Co. on or about May 15, 2007. Defendant failed to respond within twenty days after being served with the Summons and Complaint as required by Fed. R. Civ. Pro. 12(a)(1)(A). Defendant has, as of this date, failed to enter an appearance in this case or respond to Plaintiff's Complaint in any way. Accordingly, a Clerk's Entry of Default [DE 5] was entered against Defendant on July 2, 2007.

In support of its motion, Plaintiff states that: (1) "The defendant has had an entry of default entered against it under the Federal Rules of Civil Procedure in this Court since July 2, 2007, and has made no effort to move to set aside said Entry of Default"; (2) The Affidavit of Ellen Densborn submitted with this motion establishes that the defendant has failed to make timely contributions and owes Plaintiff, Indiana State Council of Roofers Health and Welfare Fund, Eleven Thousand Three Hundred Sixty-three Dollars and Ten Cents (\$11,363.10); (3) The

Affidavit of Ellen Densborn submitted with this motion establishes that there are liquidated damages and interest that have accumulated in the total amount of Nine Hundred Fifty Dollars and Four Cents (\$950.04) for the Indiana State Council of Roofers Health and Welfare Fund; and (4) “The Plaintiff further prays for attorneys fees in the amount of One Thousand Seven Hundred Dollars (\$1,700.00) and court costs in the sum of Three Hundred Fifty Dollars (\$350.00).” Plaintiffs’ Motion for Default Judgment at 2.

In light of the above and the filings and record of this case, the Plaintiff’s Motion for Default Judgment is **GRANTED**. The following is now ordered by this Court:

- 1) The Clerk of the Court is ordered to enter default judgment against Defendant Oxford Painting Co.;
- 2) Defendant Oxford Painting Co. is ordered to pay the amounts due and owing for the amounts set out above; and
- 3) Plaintiff is awarded attorneys fees in the amount of \$1,700.00 and costs in the amount of \$350.00.

SO ORDERED on October 16, 2007.

s/ Joseph S. Van Bokkelen
JOSEPH S. VAN BOKKELEN
UNITED STATES DISTRICT COURT JUDGE
HAMMOND DIVISION